



MOTORCYCLE SALES AND REPAIR

C-60C-99

148-A-18 and
Reserved lot 148-13-B-B
VARINA DISTRICT



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA

COUNTY OF HENRICO

February 2, 2000

Virgil R. Hazelett, P.E.
County Manager

Re: Conditional Rezoning Case C-60C-99

Mr. Kenneth A. Germain
1825 E. Nine Mile Rd.
Highland Springs, VA 23075

Dear Mr. Germain:

The Board of Supervisors at its meeting on February 1, 2000, granted your request to conditionally rezone property from B-1 Business District to B-3C Business District (Conditional), Parcels 148-A-18 and 148-13-B, described as follows:

PARCEL 1:

Beginning at the point of intersection of the southern line of Mapleleaf Avenue (formerly Maple Avenue) and the western line of East Nine Mile Road, thence along the western line of East Nine Mile Road, South 32 degrees 33 minutes 45 seconds East a distance of 200.00 feet to a point; thence South 57 degrees 15 minutes 30 seconds West 150.00 feet along a line parallel with the southern line of Mapleleaf Avenue to a point lying on the eastern line of a 16.00 foot alley; thence along the eastern line of said 16.00 foot alley North 32 degrees 33 minutes 45 seconds West a distance of 200.00 feet to a point lying on the southern line of Mapleleaf Avenue; thence along the said southern line of Mapleleaf Avenue North 57 degrees 15 minutes 30 seconds East a distance of 150.00 feet to the point and place of beginning. Said parcel of land situate, lying and being in Varina Magisterial District of Henrico County, Virginia and containing 0.689 acres.

PARCEL 2:

Beginning at a point on the southern line of Mapleleaf Avenue (formerly Maple Avenue), said point also being the northernmost corner of Lot 23 as shown on the subdivision plat of Highland Terrace recorded in Plat Book 18, at page 162; thence from said point of beginning along the southern line of Mapleleaf Avenue North 57 degrees 15 minutes 30 seconds East a distance of 64.76 feet to a point at the intersection of the southern line of Mapleleaf Avenue with the western line of a 16.00 foot alley; thence along said western line of 16.00 foot alley South 32 degrees 33 minutes 45 seconds East a distance of approximately 250 feet to a point; thence south 57 degrees 15 minutes 30 seconds West a distance of 63.36 feet to a point lying on the eastern line of Lot 19 of the aforesaid subdivision of Highland Terrace; thence along the eastern line of Lots 19, 20, 21, 22, and 23 of Highland Terrace North 32 degrees 47 minutes 45 seconds West a distance of approximately 250 feet to the point and place of beginning. Said parcel of land situate, lying and being in the Varina Magisterial District of Henrico County, Virginia and containing approximately .37 acres and being a part of the parcel designated as "Reserved" less and except the southern 170.00 feet thereof as shown on the aforesaid subdivision plat of Highland Terrace which is of record in the Henrico County Clerk's Office in Plat Book 18, at page 162.

The Board of Supervisors accepted the following proffered conditions, dated January 27, 2000, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

The following proffers shall be applicable to that portion of the Property to be zoned B-3C consisting of .689 acres:

1. Use Restrictions. The Property may not be used for the following purposes:
 - a. Fortuneteller, palmist, astrologist, numerologist, clairvoyant, craniologist, phrenologists, card reader, spiritual reader or similar activity.
 - b. Rifle or pistol range.
 - c. Shell houses or display houses.
 - d. Gun shop, sales and repair.
 - e. Adult book or video store.
 - f. A facility for the sale, rental or display (including one that utilizes computer technology) of pornographic material (as determined by community standards for the area in which the property is located).
 - g. Building materials store.
 - h. Car wash.
 - i. Exterminating establishment.
 - j. Manufactured home sales, display and storage or sales.
 - k. Public dancehalls.
 - l. Outdoor sales lots and stands for retail sales other than for (i) automobiles or motorcycles and (ii) Christmas trees, wreaths, holly and similar decorative horticultural materials shall be permitted and as regulated in the B-1 district.
 - m. Hotels, motels and motor lodges.
 - n. Flea markets.
 - o. Pawn shops.
 - p. Tattoo parlors.
2. Parking Lot Lighting. Other than existing parking lot lighting fixtures, all free standing parking lot lighting fixtures shall be compatible in style and height with the existing light fixtures currently located along E. Nine Mile Road adjacent to the Property, or as otherwise approved by the Director of Planning of the County of Henrico, Virginia.

Parking lot lighting shall be reduced to a minimum level necessary for security purposes following the close of business conducted on the property.
3. Trash Receptacles. Trash receptacles shall be screened from public view at ground level. No trash pickup, parking lot cleaning or leaf blowing shall occur before 7:00 a.m. or after 7:00 p.m. or on the weekend or any holiday.

4. Signage. Signage on the property shall be regulated as provided for in a B-2 district in the Henrico County Zoning Ordinance. There shall be no portable or mobile signs on the Property. There shall be no detached signage on the Property. All signs on the Property shall be internally lit.
5. Hours of Operation. The hours of operation on the Property shall be limited to the hours of 7 a.m. to 8 p.m. Monday through Saturday and 10 a.m. through 7 p.m. on Sunday.
6. Public Address System. No outside public address, paging or speaker system, audible beyond the boundary of the property shall be permitted on the Property.
7. Outside Storage. All refuse, tires, salvage, damaged or scrap vehicle parts shall be screened from view from the perimeter of the Property within a building or by an opaque wooden fence or masonry wall.
8. Building Improvements. Within one year of the issuance of the first certificate of occupancy of the building located on the Property after the approval of this case C-60C-99, the exterior of such building (exclusive of trim) shall be painted an earth tone color, including, without limitation, white, off-white or other similar and compatible color.
9. Vehicle Repair. All vehicle repair work shall be performed within an enclosed building on the Property.
10. Landscaping. Within one year of the issuance of the first certificate of occupancy of the building located on the Property after the approval of this case C-60C-99, landscaping shall be placed on the Property as follows:
 - a. along E. Nine Mile Road within two areas on the Property at least 12 feet long;
 - b. on or near the intersection of E. Nine Mile Road and S. Mapleleaf Avenue on one area on the Property at least 9 feet long;
 - c. on the parking area between facing rows of parking within two areas on the Property at least 15 feet long or along the perimeter of the Property along E. Nine Mile Road and/or Mapleleaf Avenue.

Unless otherwise approved upon Plan of Development review, such landscaping may consist of brick planting boxes at least two feet in height and that otherwise meet the dimensions set forth above.

The following proffer shall be applicable to that portion of the property to be zoned B-1C consisting of .37 acres:

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11. Buffer. There shall be no improvements on that portion of the Property designated as B-1C, other than a fence, utilities or as otherwise specifically permitted by the Planning Commission or the Director of Planning at the time of Plan of Development review. Other than the foregoing, such portion of the Property shall remain in its natural state. Underbrush, fallen, diseased or dead trees and plant growth may be removed from any buffer area; if such underbrush, trees and plant growth are removed, additional supplemental plantings shall be added to such buffer.

The following proffer shall be applicable to all of the Property:

12. Severance. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of any of the other proffers or the unaffected part of any such proffer.

The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,



Virgil R. Hazelett, P.E.,
County Manager

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. C. S. Ylonen
Mr. Andrew M. Condlin, Esquire